The law plays a significant role in shaping the meaning of disability. Tort law, specifically personal injury law, is a central arena where the meaning of disability is produced, shaped, contested, and utilized: it assigns responsibility for disabling events; awards damages to the injured to cover disability related costs; and deals with the bodily, material, social, and legal implications of disablement. Yet, there seems to be a gap, if not a contradiction, between the social vision of disability rights, inclusion and equality, and tort law’s basic rationales. While tort law focuses on the circumstances of injury and individual responsibility and views disability as an inherent state of pain and suffering, the disability critique emphasizes social disablement through stigma, lack of access, and inadequate social services. This talk will examine a social construction critique and a disability-equality critique of tort, demonstrated through several examples from Israel and the US.

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